AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. (Previously presented) A light emitting apparatus, comprising:

a light emitting element with an emission wavelength in a range of 360 to 550 nm, the light emitting element comprising a reflection layer;

a rare-earth element doped oxide nitride phosphor,

wherein a part of light radiated from the light emitting element is wavelength-converted by the phosphor, and the phosphor comprises a sialon system phosphor powder comprising:

α-sialon of 40 weight% or more and 90 weight% or less of the sialon system phosphor powder, the α-sialon being structured such that a Ca site of Ca- α-sialon represented by

$$(Ca_x, M_y)(Si, Al)_{12}(O,N)_{16}$$

is partially replaced by metal (M);

β-sialon of 40 weight% or less of the sialon system phosphor powder; and

unreacted silicon nitride of 30 weight% or less of the sialon system phosphor powder,

where M comprises metal that is one or more selected from Ce, Pr, Eu,Tb,Yb and Er and $0.05 < (x + y) < 0.3$, $0.02 < x < 0.27$ and $0.03 < y < 0.3$.

2. (Previously presented) The light emitting apparatus according to claim 1, wherein:

the emission wavelength is in the range of 450 to 550 nm; and

the light emitting apparatus radiates white light generated by a mixture of the wavelength-converted light and an other part of light radiated from the light emitting element.

3. (Previously presented) The light emitting apparatus according to claim 1, wherein:

the oxide nitride phosphor comprises an oxide nitride that contains the α-sialon as a matrix material.

4. (Previously presented) The light emitting apparatus according to claim 1, wherein:

the phosphor comprises a powder or particles and is contained in a light transmitting material.

5. (Previously presented) The light emitting apparatus according to claim 1, wherein:

the light emitting element comprises a III group nitride system compound semiconductor emitting element.

6-12. (Canceled)

13. (Currently amended) The light emitting apparatus according to claim 1, wherein:

the entire phosphor powder has a chemical composition that is in ~~the~~ a range of three composition lines of Si_3N_4-a(M_2O_3·9AlN), Si_3N_4-b(CaO·3AlN) and Si_3N_4-c(AlN·Al_2O_3), where

$4 \times 10^{-3} < a < 4 \times 10^{-2}$, $8 \times 10^{-3} < b < 8 \times 10^{-2}$ and $10^{-2} < c < 8 \times 10^{-1}$ are satisfied.

14. (Previously presented) A light emitting apparatus, comprising:

a light emitting element with an emission wavelength in the range of 360 to 550 nm, the light emitting element comprising a reflection layer;

a cerium ion doped lanthanum silicon nitride phosphor,

wherein a part of light radiated from the light emitting element is wavelength-converted by the phosphor,

a doping ratio x of cerium ion to lanthanum is $0.0 < x < 0.2$, and

the phosphor comprises an electron beam excitation phosphor.

15. (Previously presented) The light emitting apparatus according to claim 14, wherein:

the phosphor is represented by:

$La_{1-x}Si_3N_5:xCe$, where doping ratio x is $0 < x < 1$, and

cerium ion is doped to a lanthanum site in a solid dissolution replacement.

16. (Previously presented) The light emitting apparatus according to claim 14, wherein:

a doping ratio x of cerium ion to lanthanum is $0.1 < x < 0.5$, and

the phosphor comprises an ultraviolet ray excitation phosphor.

17. (Canceled)

18. (Original) The light emitting apparatus according to claim 14, wherein:

the phosphor radiates blue light.

19. (Withdrawn) A light emitting method for a light emitting apparatus that comprises a light emitting element with an emission wavelength in a range of 360 to 550 nm, the light emitting element comprising a reflection layer, and a rare-earth element doped oxide nitride phosphor, wherein a part of light radiated from the light emitting element is

wavelength-converted by the phosphor, the phosphor comprises:

a sialon system phosphor powder comprising α-sialon of 40 weight% or more and 90 weight% or less of the sialon system phosphor powder, the α-sialon being structured such that a Ca site of Ca- α-sialon represented by

$$(Ca_x, M_y)(Si, Al)_{12}(O,N)_{16}$$

is partially replaced by metal (M);

β-sialon of 40 weight% or less of the sialon system phosphor powder; and

unreacted silicon nitride of and 30 weight% or less of the sialon system phosphor powder,

where M comprises metal that is one or more selected from Ce, Pr, Eu, Tb, Yb and Er and $0.05 < (x + y) < 0.3$, $0.02 < x < 0.27$ and $0.03 < y < 0.3$, and the light emitting apparatus radiates light generated by a mixture of wavelength-converted light and an other part of light radiated from the light emitting element, said method comprising:

turning on intermittently the light emitting element.

20. (Withdrawn) A light emitting method for a light emitting apparatus that comprises a light emitting element with an emission wavelength in a range of 360 to 550 nm, the light emitting element comprising a reflection layer, and a cerium ion doped lanthanum silicon nitride phosphor, wherein a part of light radiated from the light emitting element is wavelength-converted by the phosphor, a doping ratio x of cerium ion to lanthanum is $0.0 < x < 0.2$, the phosphor comprises an electron beam excitation phosphor, and the light emitting apparatus radiates light generated by a mixture of wavelength-converted light and an other part of light radiated from the light emitting element, said method comprising:

turning on intermittently the light emitting element.

21. (Withdrawn) The light emitting method according to claim 19, wherein:

a color of the light radiated from the light emitting apparatus is adjusted by controlling a turn-on time of the light emitting element.

22. (Withdrawn) The light emitting method according to claim 20, wherein:

a color of the light radiated from the light emitting apparatus is adjusted by controlling a turn-on time of the light emitting element.

23. (Withdrawn) The light emitting method according to claim 19, wherein:

the emission wavelength is in the range of 450 to 550 nm, and the light emitting apparatus radiates white light, and a quality of said white light is determined by adjusting said intermittently turning on said light emitting element.

24. (Withdrawn) The light emitting method according to claim 20, wherein:

the emission wavelength is in the range of 450 to 550 nm, and the light emitting apparatus radiates white light, and a quality of said white light is determined by adjusting said intermittently turning on said light emitting element.

25. (Withdrawn) The light emitting method according to claim 19, wherein:

the light emitting element comprises a III group nitride system compound semiconductor emitting element.

26. (Withdrawn) The light emitting method according to claim 20, wherein:

the light emitting element comprises a III group nitride system compound semiconductor emitting element.

27. (Previously presented) A light emitting apparatus, comprising:

a light emitting element with an emission wavelength in a range of 360 to 550 nm, the light emitting element comprising a reflection layer; and

a rare-earth element doped oxide nitride phosphor,

wherein a part of light radiated from the light emitting element is wavelength-converted by the phosphor, and the phosphor comprises a sialon system phosphor powder comprising:

α-sialon of 40 weight% or more and 90 weight% or less of the sialon system phosphor powder, the α-sialon being structured such that a Ca site of Ca- α-sialon represented by

$$(Ca_x, M_y)(Si, Al)_{12}(O,N)_{16}$$

is partially replaced by metal (M);

β-sialon of 5 weight% or more and 40 weight% or less of the sialon system phosphor powder; and

unreacted silicon nitride of 5 weight% or more and 30 weight% or less of the sialon system phosphor powder,

where M comprises metal that is one or more selected from Ce, Pr, Eu, Tb, Yb and Er and $0.05 < (x + y) < 0.3$, $0.02 < x < 0.27$ and $0.03 < y < 0.3$.

28. (New) The light emitting apparatus according to claim 1, wherein:

the reflection layer is disposed between a light emitting layer and a substrate of the

light emitting element or on a backside of the substrate of the light emitting element.

29. (New) The light emitting apparatus according to claim 14, wherein:

the reflection layer is disposed between a light emitting layer and a substrate of the light emitting element or on a backside of the substrate of the light emitting element.

30. (New) The light emitting method according to claim 19, wherein:

the reflection layer is disposed between a light emitting layer and a substrate of the light emitting element or on a backside of the substrate of the light emitting element.

31. (New) The light emitting method according to claim 20, wherein:

the reflection layer is disposed between a light emitting layer and a substrate of the light emitting element or on a backside of the substrate of the light emitting element.

32. (New) The light emitting apparatus according to claim 27, wherein:

the reflection layer is disposed between a light emitting layer and a substrate of the light emitting element or on a backside of the substrate of the light emitting element.